



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,018	03/13/2002	Christophe Nicolas	16673-8	4937

27189 7590 06/18/2007
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
----------	--------------

2144

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/18/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com
PTONotifications@procopio.com

Office Action Summary	Application No. 10/088,018	Applicant(s) NICOLAS ET AL.	
	Examiner Joseph R. Maniwang	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities: recitation of "messages member" appears to be a typographical error. Examiner suggests replacing the phrase with "message members". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "each management message member". There is insufficient antecedent basis for this limitation in the claim.
Claim 1 recites the limitation "this current message". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Deiss (U.S. Pat. No. 5,802,063).
5. Regarding claims 1 and 10, Deiss disclosed a method and system of transmitting a chain of database management messages between a management centre and a plurality of distributed subscriber databases, wherein each management message

Art Unit: 2144

member of this chain comprises a chain header, a chain identifier, and a chain index (see column 2, line 55 through column 3, line 6), the method comprising the steps of providing with each management message a conditional block effective for determining whether this current message is to be processed without references to all or part of other message members of the chain (see column 5, lines 11-43), and in the negative event, effective for defining conditions linked to a previous processing of all or part of other message members of the chain (see column 5, lines 11-43); and transmitting the chain of database management message between a management centre and a plurality of distributed subscriber databases (see column 1, lines 57-61).

6. Regarding claims 2 and 11, Deiss disclosed the method and system further comprising the step of determining, according to the conditional block if at least one message of the chain can, or must, or must not have been processed first (see column 5, lines 32-43).

7. Regarding claim 3, Deiss disclosed the method and system further comprising the steps of managing a table in the subscriber database containing an information representing a processing state of each member of the chain (see column 8, lines 11-20), updating said table every time that a member of the chain is processed (see column 8, lines 11-20), and resetting said table either on request of the managing centre or after a predefined time (see column 8, lines 11-20).

8. Regarding claim 4, Deiss disclosed the method and system wherein the subscriber database is connected to a subscriber unit and wherein it comprises the step of memorizing the management messages in a memory of the subscriber unit and of

Art Unit: 2144

presenting them on request to the subscriber database (see column 3, line 66 through column 4, line 67).

9. Regarding claims 5 and 13, Deiss disclosed the method and system further comprising the steps of memorizing incoming messages in series, each incoming message causing an increment of a stack pointer of incoming messages, and of allowing a direct access to the messages requested by the subscriber database (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

10. Regarding claim 6, Deiss disclosed the method and system wherein the memory of the subscriber unit is configured as a serial buffer memory having a fixed length (see column 4, lines 12-25; column 8, lines 11-20).

11. Regarding claim 7, Deiss disclosed the method and system further comprising the steps of receiving in the subscriber database, a message member of a chain, and of allocating in the subscriber unit, the memory necessary for receiving all the members of this chain (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

12. Regarding claim 8, Deiss disclosed the method and system further comprising the steps of requesting the subscriber module to compose a management message describing its software and hardware resources and of sending said message either to the subscriber database or to the management centre (see column 4, lines 42-67).

13. Regarding claim 9, Deiss disclosed the method and system wherein the request is transmitted, either by the management centre under the form of a management message, or by the subscriber database under the form of an instruction on an I/O line (see column 4, lines 42-67).

Art Unit: 2144

14. Regarding claim 12, Deiss disclosed the method and system wherein the security module includes a message manager able to store in a memory an information representing a processing state of each message of the chain, and wherein it includes means for comparing this state with the conditions expressed in the conditional block of the message currently processed (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

15. Regarding claim 14, Deiss disclosed the method and system wherein the subscriber unit includes a connection line towards the security module and wherein it includes means to determine the size of the memory according to instructions received from the security module, and means for replying to the security module by composing and sending a management message to this security module (see column 3, line 66 through column 4, line 67)

16. Regarding claim 15, Deiss disclosed the method and system wherein the subscriber unit includes a selection module to connect a management message separator (see column 4, lines 33-41), a processing center of the subscriber module (see column 4, lines 33-41), the security module and the memory (see column 4, lines 12-32), and means to recognize the management message destined only to the processing center and to forward these messages to the processing center (see column 4, lines 12-41).

17. Regarding claim 16, Deiss disclosed a method and system comprising determining dependencies between management messages members to be sent as part of a chain of management message members, wherein said chain identifier

Art Unit: 2144

identifies the order of transmission of said management message members of said chain (see column 5, lines 11-43); using said dependencies to create a condition block for a management message member, wherein said condition block determines a permissible order of processing of each management message member forming a chain of management member messages (see column 5, lines 11-43); inserting said conditional block into said management message member (see column 5, lines 11-43); transmitting said management message member, wherein said conditional block allows a receiver of said management message members to manage a table in the subscriber database containing an information representing a processing state of each member of the chain (see column 5, line 44 through column 6, line 15).

18. Regarding claim 17, Deiss disclosed the method and system wherein said conditional block does not require processing of any other management message members of said chain of management message members (see column 5, lines 31-43).

19. Regarding claim 18, Deiss disclosed a method and system comprising receiving at least one management message member that is part of said chain of database management messages; processing said management message member in accordance with said conditional block (see column 5, lines 11-43).

20. Regarding claim 19, Deiss disclosed the method and system further comprising creating a processing state table for tracking the processing of said management message member in said chain of database management messages; managing said processing state table to ensure said received management message member is

Art Unit: 2144

processed in accordance with said condition block (see column 5, line 44 through column 6, line 15).

21. Regarding claim 20, Deiss disclosed the method and system wherein the method further comprises updating said state table upon successful processing said management message member of said chain (see column 5, line 44 through column 6, line 15).

Response to Arguments

22. Applicant's arguments filed 03/23/07 have been fully considered but they are not persuasive.

23. Regarding the objection to claim 10, Applicant has not responded to the objection by way of amendment to the claims or any relevant remarks. The objection is maintained.

24. Regarding the rejection of claims 1-9 under 35 U.S.C. 112, Applicant as not responded to the rejection by way of amendment to the claims or any relevant remarks. The rejection is maintained.

25. Regarding claims 1-5 rejected under 35 U.S.C. 102(b) as being anticipated by Deiss, Applicant first asserts that the reference "does not permit out-of-order execution", and that instead Deiss "requires the decoder to 'throw away' the previously received MPEG data" and further that such an MPEG stream is different from management messages. However, Examiner submits that the concepts relied upon by Applicant, such as "out-of-order execution" are not necessarily claimed in the language presented.

Art Unit: 2144

The claims are directed to processing messages of a "chain" (i.e., stream), and determining the particulars of such processing based on a "conditional block" contained within a message (see exemplary claim 1). The claimed "processing" is broadly recited, and is not specifically claimed as occurring dependent upon an order of execution or out of order, etc. Such processing is only claimed as dependent upon the conditional block within a message. As such, Examiner submits that Deiss reads on the claim language presented, as Deiss disclosed a continuity count and a conditional access code (see column 5, lines 11-43), which reads on a packet containing a conditional block as claimed. Examiner further submits that the conditional blocks of Deiss are functionally equivalent to the argued features in the claimed invention. The requirement for a conditional block in "allowing the system to decide whether the message can be used immediately without condition, or whether the message needs fulfilling conditions in relation with the reception of other members of the chain" is clearly taught by Deiss where it was disclosed that detected headers in a stream of packets tell a decoder to process the incoming packets, or whether the flow of packets should be inhibited until the reception of another packet with the proper header (see column 5, lines 31-43).

26. Additionally, although Applicant states the distinction between the prior art and the claimed invention involves the rejection of messages, such a feature is not required by the claim language presented. The claim language does not make a requirement on the rejection of packets, only that a packet's conditional block links the packet to a processing of previous packets. As stated above, Deiss discloses such a conditional

Art Unit: 2144

block, relating the processing of a video packet to the success or failure of processing previous video packets (see column 5, lines 31-43).

27. Applicant further asserts that Deiss does not disclose that detected headers in a stream of packets tells a decoder to process the incoming packets, or whether the flow of packets should be inhibited until the reception of another packet with the proper header, as the MPEG data in Deiss is not a "chained message" as claimed. However, Examiner submits that the chained message as recited in the claims only requires a header, identifier, and conditional block. As such, Examiner submits that Deiss teaches the claimed chained message, disclosing packets structured with a header, identifier, and conditional block as claimed (see column 2, line 55 through column 3, line 6). Furthermore, although Applicant argues that the lost packets of Deiss are not stored and that the MPEG data does not allow for out of order processing, as described above such features are not explicitly recited in the claims.

28. Examiner submits that the newly presented claims 16-20 are taught by the prior art of record as detailed in the above rejection under 35 U.S.C. 102(b).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2144

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

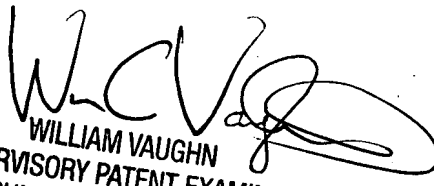
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM


WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100